

REMARKS

Claim 8 was rejected under 35 U.S.C. 112, first paragraph, for lack of enablement. Applicant respectfully submits that the claim is sufficiently enabled by, *inter alia*, the description on page 3, line 23 to page 4, line 12, describing the use of an encoding audio signal with reference to a so-called DTMF signal by way of example (see page 4, lines 9-12). Applicants therefore respectfully request withdrawal of the rejection and reconsideration of the claim.

Claim 9 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1 and 9 have been amended appropriately for clarification. Claim 9, as amended, is sufficiently definite for purposes of 35 U.S.C. 112, second paragraph.

Claims 1-6 and 10-13 were rejected under 35 U.S.C. 102(b) over McGreevy (US 5,319,716). Claim 1 has been amended for clarification. For the following reasons, the rejection is respectfully traversed.

Regarding claim 1, McGreevy does not teach “a control signal . . . controlling at least one of a frequency band and of a power level of said signal to be transmitted” and a “decoder unit generating a control signal . . . *in response to an encoded audio signal*,” as required. As claimed, an encoded audio signal is decoded into a control signal, which is used to control the frequency and/or power of a transmission signal. McGreevy describes a CD player that transmits wirelessly to an automobile FM radio, wherein the transmission frequency is selectable (column 3, lines 8+). McGreevy, however, does not teach that an audio signal is decoded to produce a control signal that selects the transmission frequency or the transmission power, as in the claimed invention. Since every limitation of the claim is not taught by the reference as required, claim 1 and its dependent

claims 2-6 and 10-13 are not anticipated by McGreevy.

Claim 7 was rejected under 35 U.S.C. 103(a) over McGreevy in view of Koike (US 6,778,814). For the following reasons, the rejection is respectfully traversed.

Claim 7 depends from claim 1, and for the reasons explained above, McGreevy does not teach every limitation of the claim. Further, there is nothing in McGreevy that suggests modifying its teachings to include those limitations of which it is deficient. Further, Koike does not teach or suggest the limitations of which McGreevy is deficient. Therefore, even if McGreevy and Koike were combined, every limitation of claim 7 would not be taught or suggested by the resulting combination. Thus, claim 7 is patentable over the prior art of record.

Claim 9 was rejected under 35 U.S.C. 103(a) over McGreevy. For the following reasons, the rejection is respectfully traversed.

Claim 9 depends from claim 1, and for the reasons explained above, McGreevy does not teach every limitation of the claim. Further, there is nothing in McGreevy that suggests modifying its teachings to include those limitations of which it is deficient. Thus, since every limitation of the claim is not taught or suggested, claim 9 is patentable over the prior art of record.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33904

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Respectfully Submitted

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